



+\$ DAC  
JFW +  
issue fee

CERTIFICATE OF HAND DELIVERY

I hereby certify that the correspondence and the documents referred to as attached therein are being hand delivered on this 12th day of August, 2004, to Office of Petitions, U.S. Patent and Trademark Office, 2011 South Clark Place, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

LESLIE ANN KUDER

Typed or printed name of person hand delivering correspondence

Leslie Ann Kuder  
Signature of person hand delivering correspondence

Customer Number

24024

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:	)	
	)	
Theodore D. Wakefield, II	)	Examiner: Richard M. Camby
	)	
Serial No.: 10/667,815	)	Art Unit: 3661
	)	
Filed: September 22, 2003	)	
	)	
For: METHOD OF ADJUSTING	)	
GLOBALLY PERFORMANCE PARAMETERS	)	
OF A POWER DRIVE WHEELCHAIR	)	Attorney Docket No.: 12873/04635

Office of Petitions  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

**PETITION TO REVIVE PATENT APPLICATION**  
**UNINTENTIONALLY ABANDONED UNDER 37 C.F.R. §1.137(b)**

Dear Sir:

Applicants received a Notice of Abandonment of the subject application dated July 26, 2004 for failure to timely pay the issue fee and publication fee which were due June 7, 2004. This failure to pay the required fee was completely unintentional. Accordingly, Applicant hereby petitions to revive the abandoned application pursuant to 37 C.F.R. 1.137(b) and issue a patent for the subject application. Enclosed are the following:

- (1) A copy of the issue fee transmittal form;
- (2) A check for the petition fee of \$1,330.00 and for the issue and publication fees totaling \$1,630, rendering a total amount of \$2,960.00; and
- (3) The required statement below.

Pursuant to 37 C.F.R. 1.137(b)(3), Applicant states that the entire delay in filing the required issue fee transmittal form and fees from the due date of June 7, 2004 until the filing of a petition pursuant to this paragraph was unintentional.

If any additional fee is due with this petition, please charge our Deposit Account Number 03-0172.

Respectfully submitted,

  
\_\_\_\_\_  
William E. Zitelli, Reg. No. 28,551  
(216) 622-8200  
wzitelli@calfee.com



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Theodore D. Wakefield, II

Application No.: 10/667,815

Art Unit: 3661

Filed: September 22, 2003

Examiner: Richard M. Camby

Title: METHOD OF ADJUSTING GLOBALLY PERFORMANCE PARAMETERS OF A POWER DRIVE WHEELCHAIR

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

08/19/2004 SHASSEN2 00000068 10667815  
01 FC:1453 1330.00 0P

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330 \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Issue Fee Transmittal Form \_\_\_\_\_ (identify type of reply):

has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 1,630 \_\_\_\_\_.

has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

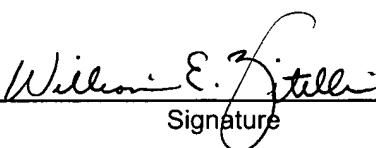
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

August 12, 2004

Date



Signature

Telephone

Number: (216) 622-8200

William E. Zitelli

Typed or printed name

Calfee, Halter &amp; Griswold, 800 Superior avenue,

Address

Enclosures:  Fee Payment

Suite 1400, Cleveland, Ohio 44114

Address

 Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

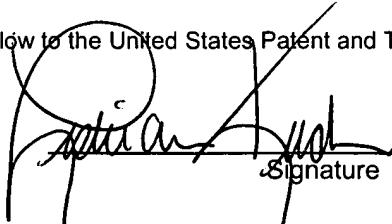
I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

August 12, 2004

Date



Signature

Leslie Ann Kuder

Type or printed name of person signing certificate